

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FEDERAL CARBIDE COMPANY,

Plaintiff,

v.

EXETER CONSTRUCTION, LLC., and
DENNIS B. BALLARD,

Defendants.

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Civil Action No. 3:15-cv-248

ORDER OF COURT

AND NOW, this ____ day of _____, 2016, upon consideration of the MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS EXETER CONSTRUCTION, LLC AND DENNIS B. BALLARD filed by Federal Carbide Company (“FCC”), it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Judgment is hereby entered in favor of FCC against Defendant Exeter Construction, LLC (“Exeter”) for fraudulent inducement, breach of contract, breach of warranty and specific performance;
2. Judgment is hereby entered in favor of FCC against Defendant Dennis B. Ballard (“Ballard”) for fraudulent inducement;
3. Defendant Exeter is hereby compelled to specifically perform under its Contract with FCC by providing FCC with all permits and drawings in its possession;
4. Defendants Exeter and Ballard are hereby ordered to pay all damages sustained by FCC as a result of the acts and omissions described in the Complaint in an amount to be proven upon further submission of proof;

5. Defendants Exeter and Ballard are hereby ordered to pay punitive damages in an amount to be decided by the Court as a result of the malicious, willful and fraudulent conduct described in the Complaint;

6. Defendant Exeter is hereby ordered to pay FCC's costs and attorneys' fees pursuant to Article 29.1 of its Contract with FCC in an amount to be proven upon further submission of proof; and

7. A non-jury hearing shall be held on _____ to determine the damages due from Defendants to FCC in this case, including punitive damages and attorneys fees.

United States District Judge